

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

DR. RICKEY WARNER

PLAINTIFF

vs.

Civil Action No. 3:04-cv-777-HTW-LRA

DR. J. R. SMITH, INDIVIDUALLY AND  
IN HIS OFFICIAL CAPACITY AS HEAD OF  
THE MANAGEMENT & MARKETING DEPARTMENT  
OF JACKSON STATE UNIVERSITY; JACKSON STATE  
UNIVERSITY; AND, THE MISSISSIPPI INSTITUTIONS  
OF HIGHER LEARNING

DEFENDANTS

**FINAL JUDGMENT**

On an earlier day, this court granted summary judgment to defendants, Dr. J.R. Smith, Jackson State University, and the Mississippi Institutions of Higher Learning, except for plaintiff's "class of one" claim. Subsequently, on April 15, 2008, this court, in its Memorandum Opinion and Order, granted summary judgment on the plaintiff's only remaining claim in this case, the "class of one" claim, after consideration of the remaining claim and having heard oral arguments. The Memoranda Opinion and Order entered by this court on August 31, 2007, and April 15, 2008, are incorporated by reference. For the reasons assigned in the court's Memoranda Opinion and Order, the court concludes that judgment should be entered in favor of all defendants in this case and against the plaintiff and that the defendants should be awarded their costs.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the complaint be, and it is hereby DISMISSED WITH PREJUDICE in accordance with this court's Memoranda Opinion and Order at the cost of the plaintiff.

**IT IS FURTHER ORDERED AND ADJUDGED** that the defendants are entitled to recover their taxable costs in this action upon filing a Bill of Costs in the time and manner prescribed.

**SO ORDERED AND ADJUDGED, this the 15<sup>th</sup> day of April, 2008.**

**s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE**

Civil Action No. 3:04-cv-777 HTW-LRA  
Final Judgment